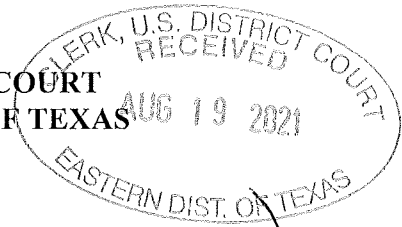


PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Tyler DIVISION



Joshua Calhoun 1985495  
Plaintiff's Name and ID Number

Michaels Unit  
Place of Confinement

(Amended copy)

CASE NO. 6:21 CV 279  
(Clerk will assign the number)

v.

LAMORRIS Marshall 2664 Fm 2054 Tennessee Colony Tx 75886  
Defendant's Name and Address

CHASE Johnson 2664 FM  
Defendant's Name and Address

NICKIE PAGE 2664 Fm  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

Michael DAVIS 2664 Fm 2054

Dylan Adams 2664 Fm 2054

Lonnie Townsend 2664 Fm 2054

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 4-2-09 incident 1-3-11 Filing date
2. Parties to previous lawsuit:  
Plaintiff(s) Joshua Calhoun  
Defendant(s) Officer K Anderson ETAL and officer Long
3. Court: (If federal, name the district; if state, name the county.) Tyler US District Court
4. Cause number: 6:11 CV004
5. Name of judge to whom case was assigned: Magistrate Judith Guthrie
6. Disposition: (Was the case dismissed, appealed, still pending?) dismissed
7. Approximate date of disposition: 5-7-13

II. PLACE OF PRESENT CONFINEMENT: Michaels Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ✓ YES     NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Joshua Calhoun 1985495 2664 Fm 2054  
Tennessee Colony Tx 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: LAMORRIS Marshall Asst. Warden Michaels Unit  
2664 FM 2054 Tennessee Colony Tx 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Conducted his own investigation on himself Conspired to Misuse information  
Thus Real Complaint Was Never seen

Defendant #2: Chase Johnson Ssg Michaels Unit  
2664 Fm 2054 Tennessee Colony Tx 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Conspired to conduct an unjustified Move Resulting in Serious Bodily Injury

Defendant #3: Nickie Page Ssg. Michaels Unit  
2664 Fm 2054 Tennessee Colony Tx 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Used an excessive amount of Chemical Agent and Facilitated Excessive Use of Force

Defendant #4: Michael Davis Co Michaels Unit  
2664 FM 2054 Tennessee Colony Tx 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

extrem Use of Force by beating head into side wall under extreme Restraints

Defendant #5: Dylan Adams Ssg. Michaels Unit  
2664 Fm 2054 Tennessee Colony Tx 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

extrem Use of Force By pressing on Back of inmate in Prone position

Defendant 6 Lonnie Townsend Warden Michaels Unit  
2664 Fm 2054 Tennessee Colony Tx 75886

Conspired to misuse official Authoritys and information tamper with witness  
but harass and retaliate by verbal threats of Death and to  
hinder an official investigation 3

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Lamarious Marshall was able to Misuse his Authority to tamper with an official Investigation but conspired to with hold official information witch was A "Life in Danger" Filed on him. their for provided False information to Lonnie Townsend but also False information to lower Banks to place Mr Calhoun in harms way inmates and officers witch Mr Calhoun had claimed being harrassed and Retaliated on By Both Mr Calhoun Recived threats but Administrative cases that were Fabricated By Marshall depriving him of his due process of TDCJ courts to present evidence and able to confront his accuser.

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'm Requesting that the court grants and awards NINE Million dollars in damages and relief

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? ☒ YES \_\_\_\_ NO

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES \_\_\_\_\_ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 8-2-21  
DATE

Joshua Calhoun  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 2 day of Aug, 20 21.  
(Day) (month) (year)

Joshua Calhoun  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**



## V. Statement of Claim

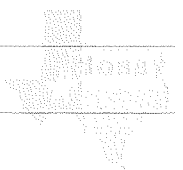
ON 5-13-21 I Joshua Calhoun Filed a Life in DANGER ON Lamorris Marshall do to the fact Marshall was making statments like, your Capt save a hoe, You Not G-5 yet, Hows that Case going, You wont be leaving the Unit alive, those were all verbal thay took place all over Michaels Unit Medical 4 Building sidewalk 1 Building 11 building, then I was placed on gang file Marshall shows up. then I'm wrote out of place CASE on 2-21-21 marshall shows up. then on 4-24-21 I'm wrote a CASE For Refusing to turn out, Marshall shows up. Capt. Coleman wrote a statment giving me promission to be off. Never was I allowed to get to court to present evidence or to confront my accuser the threats now have bleed over to inmates and now the threats have turned to actions the CASE's. So ON May 13, 2021 By Filing the LID I'm placed in PHD 11 Building a Form of protective custody. ON 5-24-21 Marshall along with two women, one Allison Bernard and the other "unknown" Marshall conducted an investigation on himself. "what this done" was hinder an offical investigation keeping my complaint from being seen or passed on. This is were Lonnie Townsend plays part starts he helps Marshall arrange offical documents

## V Statment of Claim

Not to be seen for what they were or to be passed out to the Regional Coordinator basically co signing on Marshall's False Findings this act leads to 5-25-21 being forced out of protective custody By Co Nyabuto, & Srg Chase Johnson this move was not only forced but Orchestrated due to Forged documents by Marshall and Townsend, So going from PHD II building to 3 building in hand cuffs "this isnt a normal type move" getting inside 3 building inmates "unknown" make verbal threats of harm I feared for my life pulling away Srg. Johnson trips me and slams me head first causing stitches to close the wound. Im placed back in PHD II building with nothing but a fan, No mate no hygen forced to eat & use the bath room with my hands. On Now on 6-7-21 Im escorted by two unknown officers from PHD II building 3 cell to dentist office Marshall walks in scaring me putting on Rubber gloves telling doctor I'll take it from here I get up doctor & staff "names unknown" gets scared as well so doctor has me removed with a half pulled now broken tooth do to Marshall. Im now in extream pain. By Marshall's actions of harassment lead to doctor not Finishing. Im escorted back to II Building PHD 3 cell By two unknown officers.

# V. Statment of Facts Claim

at around 5pm on 6-7-21 Srg Page pulls me out of PHD 11 building 3 cell getting me outside 11 building inmate makes threats, I take him down to keep him from pulling out a shank Nate. "I should have never been removed from PHD with out an investigation)" We both are pepper sprayed by Srg. Page officer Davis hand cuffs me behind my back pushing me against the fence then body slams me head first into the side walk behind 11 Building thats when Srg. Adams jumps on me punching me in the ribs pressing hard on my back area Im in the prone position cuffed behind my back already pepper sprayed, due to all the weight on my body and the gas in my face & lungs Im expressing that I cant breath a nother officer "unknown" is on my legs. Im begging please help please let me breath Srg. Page being the officer in comand isnt supose to get involved sprays me agen for the second time Now hand cuffed behind my back with 3 officers on me in the Prone position, with the chemical agent. Im still being hit by those officers in upper body and officer Davis is banging my head into side walk. they dont stop until my body goes limp.





## V. Statment of Claims

Im then draged to medical from back walk way of 11 Building Im unable to walk under my own power. Im then placed in a 3x30 cage inside medical. these officers Page Adams & Davis and unknowns spit on ME called ME NAMES joking about burning ME up due to the fact thayue used two CANS of chemical agents on ME. Im begging please let ME wash please help. Unknowns medical staff explains youve got to get him "decontaminated" thay laughed finally two unknown officers Remove ME from the medical cage taking ME to 11 building to shower about 30 to 45 min after being sprayed thus allowing ME to be chemically burned. Im escorted back to medical were Im waiting on the ambulance to get to Michaels Unit to carry ME to outside hospital do to the fact Medical staff wernt equipt to treat My medical needs. getting to hospital Im treated with stitches to close the gash in my head from being body slambd getting escorted back to Michaels Unit Im placed in 12 Building E-16 with "Nothing" no soap, mate hygen, Fan or my legal documents thay unknown officer joked about it saying that NO ONE was going to see ME and I wasnt going to be able to write "Notify" anyone in time to alert them to see ME

## V. Statement of Claim

My body. ON 6-11-21 officer Davis opened my tray slot to allow my pills in my cell 16 reaching out he slammed my left hand causing it to swell I requested medical attention Srg Jett was called I was threatened again to be gassed and was denied food lunch for 6-11-21, 6-12-21 from officer Davis. I'm begging officers please help I'm now unable to speak due to the fact of the Broken tooth it self is causing me extreme pain but the fact wear it was broken at by doctor during the removal that was "interrupted" its very sharp now has cut my tongue I'm spitting blood but staff refuses to do anything and my in house Request Forms arent being heard on 6-13-21 I'm forced to remove tooth myself this was extremely painful on 6-6-21 I alerted Connie Townsend in person on 11 Building at 3 cell that Marshall conducted his own investigation. he stated he didnt give a damn and then pulled out his Phone taking a picture of me in my cell 13 I asked what he was doing he stated "Taking a picture of a dead man" Townsend was not only alerted in person but all documents from excessive force and any LID has to go through him

## V. Statment of Claim

and be turned over to regional coordinator Lonnie Townsend and Lameris Marshall both Orchestrated and conspired to cover up an investigation but to down play the incidents that occurred due to the fact that, Marshall and Townsend forged and tampered with not only an official investigation beings "Life in Danger" but forged and lied on offender grievances thus depriving me from my procedural process and keeping any true investigation from being conducted. Any unknown officers, times or supporting documents, will have to be interred after a Motion of Discovery is granted. I am now permanently disfigured due to the scars on my head from deadly Force Used I've now been threatened and assaulted by bodily fluids being sprayed on me by unknown inmate on 7-25-21 on 11 Building the harassing commits but the retaliations have got me in fear for my life.

